

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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STRYKER CORPORATION and  
HOWMEDICA OSTEONICS CORP.,

Plaintiffs,

CASE NO. 4:01-CV-157

v.

HON. ROBERT HOLMES BELL

NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA, and  
WINTERTHUR INTERNATIONAL  
AMERICA INSURANCE COMPANY, n/k/a  
XL INSURANCE AMERICA,

Defendants.

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**MEMORANDUM OPINION AND ORDER**  
**ADJOURNING TRIAL WITHOUT DATE**

It appears that this matter was commenced several years ago and at present represents nearly 800 docket entries. Many, many dispositive and non-dispositive motions have been filed with numerous lengthy opinions entered following oral argument before the Magistrate Judge and District Judge assigned this matter. Several amended Case Management Orders have been necessitated due to this protracted litigation. Clearly, while acknowledging the parties have expended considerable funds in providing legal representation, this Court has as well expended an enormous amount of time and energy in response to this litigation.

On the eve of trial this Court is rather suddenly confronted with a plethora of seemingly new issues, issues thought previously decided in earlier opinions and, now, serious allegations of leading counsel ethical misbehavior. Clearly all counsel are not prepared for trial, nor have they adequately prepared the Court for its function in the jury determination process.

Accordingly, this matter is hereby adjourned without a new trial date. Counsel shall secure a conference date with Magistrate Judge Scoville to jointly prepare, with direction from Judge Scoville, a statement of the issues to be tried before the jury. After review of said statement this Court will thereafter set a new trial date.

IT IS SO ORDERED.

Date: September 15, 2005

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
CHIEF UNITED STATES DISTRICT JUDGE